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29 Attorneys for Defendants  
30 Candide Group, LLC and Morgan Simon

31 IN THE UNITED STATES DISTRICT COURT

32 FOR THE NORTHERN DISTRICT OF CALIFORNIA

33 SAN FRANCISCO DIVISION

34 CORECIVIC, INC.,

35 Case No. 4:20-cv-03792-WHA

36 Plaintiff,

37 **L.R. 6-1: STIPULATION AND  
38 [PROPOSED] ORDER REGARDING  
39 DEADLINE FOR DEFENDANTS'  
40 MOTION FOR ATTORNEYS' FEES  
41 UNDER C.C.P. § 425.16**

42 v.

43 CANDIDE GROUP, LLC and MORGAN  
44 SIMON,

45 Action filed: March 4, 2020  
46 Trial date: None set.

47 Defendants.

## **STIPULATION**

WHEREAS, on August 6, 2020, Defendants Candide Group, LLC and Morgan Simon (together, “Defendants”) filed a Special Motion to Strike the Complaint of Plaintiff CoreCivic, Inc. (“Plaintiff”) pursuant to California Code of Civil Procedure (“C.C.P.”) § 425.16 (Dkt. 41); and

WHEREAS, C.C.P. § 425.16(c)(1) provides that “a prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney’s fees and costs”; and

WHEREAS, on November 19, 2020 this Court entered an Order Granting Motion to Dismiss (Dkt. 60) and entered judgment in favor of Defendants on the same day (Dkt. 61);

10 WHEREAS, Plaintiff has filed a Notice of Appeal and expressly preserves all of its rights  
11 and does not waive any of its rights, including any and all claims of error with respect to the  
12 district court's rulings, including but not limited to the district court's Order Granting Motion to  
13 Dismiss (Dkt. 60) and Judgment for Defendants (Dkt. 61);

WHEREAS, the parties have agreed to extend Local Rule 54-5's presumptive 14-day deadline for filing a motion for attorneys' fees and costs and to extend the briefing schedule for that motion; and

17        WHEREAS, the parties have agreed that CoreCivic's agreement to extend Local  
18 Rule 54-5's presumptive 14-day deadline for filing a motion for attorneys' fees and costs shall not  
19 be construed as an agreement by CoreCivic that C.C.P. § 425.16 *et. seq.* is applicable in this case  
20 and shall not be construed as a waiver by CoreCivic of the argument that C.C.P. § 425.16 *et. seq.*  
21 does not apply in this case;

22 NOW, THEREFORE, the parties, by and through their undersigned attorneys, hereby  
23 stipulate and agree that Defendants' motion for attorneys' fees and costs under C.C.P.  
24 § 425.16(c)(1) shall be filed on or before December 19, 2020, Plaintiff's response to that motion  
25 shall be filed on or before January 14, 2021, and Defendants' reply in support of that motion shall  
26 be filed on or before January 28, 2021.

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2 Dated: December 2, 2020

DAVIS WRIGHT TREMAINE LLP  
THOMAS R. BURKE  
ABIGAIL B. EVERDELL (*pro hac vice*)

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5 By: /s/ Thomas R. Burke  
THOMAS R. BURKE

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7 Attorneys for Defendants  
Candide Group, LLC and Morgan Simon

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10 Dated: December 2, 2020

CLARE LOCKE LLP  
ELIZABETH M. LOCKE, P.C. (*pro hac vice*)

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By: /s/ Elizabeth M. Locke, P.C.  
ELIZABETH M. LOCKE, P.C.

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Attorneys for Plaintiff CoreCivic, Inc.

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**[PROPOSED] ORDER**

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Pursuant to Stipulation, it is SO ORDERED.

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Hon. William H. Alsup  
United States District Court Judge

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1                   **FILER ATTESTATION**

2                   Pursuant to Northern District Local Rule 5-1(i)(3), I hereby attest that concurrence in the  
3 filing of this document has been obtained from all signatories.

4                   I declare under penalty of perjury under the laws of the State of California and the United  
5 States of America that the foregoing is true and correct. Executed on this 2nd day of December,  
6 2020 at San Francisco, California.

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8                   */s/ Thomas R. Burke* \_\_\_\_\_

9                   Thomas R. Burke

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